UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,481	12/07/2000	Rabindranath Dutta	AUS920000822US1	3171

7590 05/13/2004

Joseph R. Burwell
Law Office of Joseph R. Burwell
P.O. Box 28022
Austin, TX 78755-8022

EXAMINER	
LAZARO, DAVID R	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/732,481	DUTTA ET AL.	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-33 are pending in this Office Action.

Papers Received

2. Formal Drawings were received on 04/27/01.

Information Disclosure Statement

3. The information disclosure statement (IDS), submitted on 12/07/00 (Paper #2), has been considered by the examiner.

Claim Objections

4. Claims 1, 12 and 23 objected to because of the following informalities: All instances of "the application" should be "the data sharing application" for consistency and clarity. Appropriate correction is required.

5. Claims 4-7, 15-18 and 26-29 are objected to because of the following informalities: The use of "an information classification for data" and "information topology data" can be confusing. For example, the terminology would be clearer if changed as follows: "a classification for data" and "topology information". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 2, 5-7, 12, 13, 16-18, 23, 24 and 27-29 rejected under 35 U.S.C. 102(e) as being anticipated by "Gnutella Support", from gnutella.wego.com, 12/31/1999 (as cited in submitted IDS) (Gnutella).

8. With respect to Claim 1, Gnutella teaches a method for operating a data sharing application in a peer-to-peer network (Page 3, '*For Techies*'), wherein the application executes on a source node (Page 3), the method comprising: establishing a connection between the source node and a target node in the peer-to-peer network (Page 3-4, 'Just tell me how to get connected'); receiving node characterizing data from the target node (Page 3, figure under 'Lets get started', Pages 4-5, 'Connection List', 'Connection Stats' and 'GnutellaNet Stats'); and displaying the node characterizing data within the application at the source node (Page 3, figure under 'Lets get started').

9. With respect to Claim 2, Gnutella teaches all the limitations of Claim 1 and further teaches automatically requesting the node characterizing data from the target node in response to establishing a connection with the target node. (Page 3, figure under 'Lets get started', specifically note the different stats and information about current connections – such as IP address, type, Info – gnutellaNet stats, and network information. These are stats are automatically populated upon connecting to a gnutella

server through the use of a 0x00 message – See 'Cap'n Bry's gnutella search' included with submitted IDS).

10. With respect to Claim 5, Gnutella teaches all the limitations of Claim 1 and further teaches information topology data associated with a node connected to the target node (Page 3, figure under 'Lets get started' showing Connection Stats, GnutellaNet Stats and Network information, see Page 5 also).

11. With respect to Claim 6, Gnutella teaches all the limitations of Claim 1 and further teaches information topology data associated with nodes connected to the target node (Page 3, figure under 'Lets get started' showing Connection Stats, GnutellaNet Stats and Network information, see Page 5 also).

12. With respect to Claim 7, Gnutella teaches all the limitations of Claim 6 and further teaches the information topology data is derived from nodes within a specified number of links from the target node (Page 8, 'Time to Live").

13. With respect to Claim 12, Gnutella teaches an apparatus for operating a data sharing application in a peer-to-peer network (Page 3, '*For Techies*'), wherein the application executes on a source node (Page 3), the apparatus comprising: establishing means for establishing a connection between the source node and a target node in the peer-to-peer network (Page 3-4, 'Just tell me how to get connected'); receiving means for receiving node characterizing data from the target node (Page 3, figure under 'Lets get started', Pages 4-5, 'Connection List', 'Connection Stats' and 'GnutellaNet Stats'); and displaying means for displaying the node characterizing data within the application at the source node (Page 3, figure under 'Lets get started').

14. With respect to Claim 13, Gnutella teaches all the limitations of Claim 12 and further teaches requesting means for automatically requesting the node characterizing data from the target node in response to establishing a connection with the target node. (Page 3, figure under 'Lets get started', specifically note the different stats and information about current connections – such as IP address, type, Info – gnutellaNet stats, and network information. These are stats are automatically populated upon connecting to a gnutella server through the use of a 0x00 message – See 'Cap'n Bry's gnutella search' included with submitted IDS).

15. With respect to Claim 16, Gnutella teaches all the limitations of Claim 12 and further teaches information topology data associated with a node connected to the target node (Page 3, figure under 'Lets get started' showing Connection Stats, GnutellaNet Stats and Network information, see Page 5 also).

16. With respect to Claim 17, Gnutella teaches all the limitations of Claim 12 and further teaches information topology data associated with nodes connected to the target node (Page 3, figure under 'Lets get started' showing Connection Stats, GnutellaNet Stats and Network information, see Page 5 also).

17. With respect to Claim 18, Gnutella teaches all the limitations of Claim 17 and further teaches the information topology data is derived from nodes within a specified number of links from the target node (Page 8, 'Time to Live").

18. With respect to Claim 23, Gnutella teaches a computer program product on a computer readable medium for use in a data processing system for operating a data sharing application in a peer-to-peer network (Page 3, '*For Techies*'), wherein the

application executes on a source node (Page 3), the computer program product comprising: instructions for establishing a connection between the source node and a target node in the peer-to-peer network (Page 3-4, 'Just tell me how to get connected'); instructions for receiving node characterizing data from the target node (Page 3, figure under 'Lets get started', Pages 4-5, 'Connection List', 'Connection Stats' and 'GnutellaNet Stats'); and instructions for displaying the node characterizing data within the application at the source node (Page 3, figure under 'Lets get started').

19. With respect to Claim 24, Gnutella teaches all the limitations of Claim 23 and further teaches instructions for automatically requesting the node characterizing data from the target node in response to establishing a connection with the target node. (Page 3, figure under 'Lets get started', specifically note the different stats and information about current connections – such as IP address, type, Info – gnutellaNet stats, and network information. These are stats are automatically populated upon connecting to a gnutella server through the use of a 0x00 message – See 'Cap'n Bry's gnutella search' included with submitted IDS).

20. With respect to Claim 27, Gnutella teaches all the limitations of Claim 23 and further teaches information topology data associated with a node connected to the target node (Page 3, figure under 'Lets get started' showing Connection Stats, GnutellaNet Stats and Network information, see Page 5 also).

21. With respect to Claim 28, Gnutella teaches all the limitations of Claim 23 and further teaches information topology data associated with nodes connected to the target

node (Page 3, figure under 'Lets get started' showing Connection Stats, GnutellaNet Stats and Network information, see Page 5 also).

22. With respect to Claim 29, Gnutella teaches all the limitations of Claim 28 and further teaches the information topology data is derived from nodes within a specified number of links from the target node (Page 8, 'Time to Live").

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24. Claims 3, 4, 8-11, 14, 15, 19-22, 25, 26 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnutella in view of U.S. Patent 6,427,165 by Anderson (Anderson).

25. With respect to Claim 3, Gnutella teaches all the limitations of Claim 1 but does not explicitly teaches the node characterizing data containing an optimal connect schedule. Anderson teaches node characterizing data can contain an optimal connect schedule (Col. 4 lines 49-53 and Fig. 3, 314 and 316 – 'Availability'). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains an optimal connect schedule. One would be

motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

26. With respect to Claim 4, Gnutella teaches all the limitations of Claim 1 but does not explicitly disclose node characterizing data contains an information classification for data available to be shared by the target node. Anderson teaches node characterizing data contains an information classification for data available to be shared by the target node (Col. 5 lines 32-38 and Col. 6 lines 7-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains an information classification for data available to be shared by the target node. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

27. With respect to Claim 8, Gnutella teaches all the limitations of Claim 1 but does not explicitly disclose node characterizing data contains connection load data for the target node. Anderson teaches node characterizing data contains connection load data for the target node (Col. 5 lines 32-38 and Fig. 3, 314 and 316 – 'Load'). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains connection load data for the target node. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

28. With respect to Claim 9, Gnutella in view of Anderson teaches all the limitations of Claim 8 and further teaches the connection load data relates to node fan-out or node fan-in at the target node (Col. 5 lines 35-38 of Anderson).

29. With respect to Claim 10, Gnutella in view of Anderson teaches all the limitations of Claim 8 and further teaches the connection load data relates to a maximum connection load at the target node (Col. 5 lines 35-38 of Anderson).

30. With respect to Claim 11, Gnutella in view of Anderson teaches all the limitations of Claim 8 and further teaches the connection load data relates to a current connection load at the target node (Col. 5 lines 35-38 of Anderson).

31. With respect to Claim 14, Gnutella teaches all the limitations of Claim 12 but does not explicitly teaches the node characterizing data containing an optimal connect schedule. Anderson teaches node characterizing data can contain an optimal connect schedule (Col. 4 lines 49-53 and Fig. 3, 314 and 316 – 'Availability'). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains an optimal connect schedule. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

32. With respect to Claim 15, Gnutella teaches all the limitations of Claim 12 but does not explicitly disclose node characterizing data contains an information classification for data available to be shared by the target node. Anderson teaches node characterizing data contains an information classification for data available to be

shared by the target node (Col. 5 lines 32-38 and Col. 6 lines 7-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains an information classification for data available to be shared by the target node. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

33. With respect to Claim 19, Gnutella teaches all the limitations of Claim 12 but does not explicitly disclose node characterizing data contains connection load data for the target node. Anderson teaches node characterizing data contains connection load data for the target node (Col. 5 lines 32-38 and Fig. 3, 314 and 316 – 'Load'). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains connection load data for the target node. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

34. With respect to Claim 20, Gnutella in view of Anderson teaches all the limitations of Claim 19 and further teaches the connection load data relates to node fan-out or node fan-in at the target node (Col. 5 lines 35-38 of Anderson).

35. With respect to Claim 21, Gnutella in view of Anderson teaches all the limitations of Claim 19 and further teaches the connection load data relates to a maximum connection load at the target node (Col. 5 lines 35-38 of Anderson).

36. With respect to Claim 22, Gnutella in view of Anderson teaches all the limitations of Claim 19 and further teaches the connection load data relates to a current connection load at the target node (Col. 5 lines 35-38 of Anderson).

37. With respect to Claim 25, Gnutella teaches all the limitations of Claim 23 but does not explicitly teaches the node characterizing data containing an optimal connect schedule. Anderson teaches node characterizing data can contain an optimal connect schedule (Col. 4 lines 49-53 and Fig. 3, 314 and 316 – 'Availability'). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the computer program product disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains an optimal connect schedule. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

38. With respect to Claim 26, Gnutella teaches all the limitations of Claim 1 but does not explicitly disclose node characterizing data contains an information classification for data available to be shared by the target node. Anderson teaches node characterizing data contains an information classification for data available to be shared by the target node (Col. 5 lines 32-38 and Col. 6 lines 7-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the computer program product disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains an information classification for data available to be shared by the target node. One would be motivated to have this as there is need for a

more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

39. With respect to Claim 30, Gnutella teaches all the limitations of Claim 23 but does not explicitly disclose node characterizing data contains connection load data for the target node. Anderson teaches node characterizing data contains connection load data for the target node (Col. 5 lines 32-38 and Fig. 3, 314 and 316 – 'Load'). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the computer program product disclosed by Gnutella and modify it as indicated by Anderson such that the node characterizing data contains connection load data for the target node. One would be motivated to have this as there is need for a more efficient process of information finding and gathering (Col. 1 lines 55-59 of Anderson).

40. With respect to Claim 31, Gnutella in view of Anderson teaches all the limitations of Claim 30 and further teaches the connection load data relates to node fan-out or node fan-in at the target node (Col. 5 lines 35-38 of Anderson).

41. With respect to Claim 32, Gnutella in view of Anderson teaches all the limitations of Claim 30 and further teaches the connection load data relates to a maximum connection load at the target node (Col. 5 lines 35-38 of Anderson).

42. With respect to Claim 33, Gnutella in view of Anderson teaches all the limitations of Claim 30 and further teaches the connection load data relates to a current connection load at the target node (Col. 5 lines 35-38 of Anderson).

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

44. U.S. Patent 6,505,248 by Casper et al. "Method and system for monitoring and dynamically reporting a status of a remote server" January 7, 2003. Discloses the use of a parameter file for describing a status of a node.

45. U.S. Patent 5,870,557 by Bellovin et al. "Method for determining and reporting a level of network activity of a communications network using a routing analyzer and advisor" February 9, 1999. Discloses analysis of transmission characteristics to specified nodes.

46. Yee et al. "Visualization of Peer to Peer Networks", October 31, 2000. Downloaded from www.sims.berkerley.edu/~rachna/courses/infoviz/gtv/proposal2.html. Discloses the concept of a peer to peer network where individual node information is obtained as well as information such as topology and connectedness of the network as a whole.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
May 11, 2004

Patrice Winder
PATRICE WINDER
PRIMARY EXAMINER